

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID M. KIMMEL,

Plaintiff,
v.

JUDGMENT

20-cv-1074 (KAM)(ARL)

NEW YORK STATE ASSEMBLY; NEW YORK
STATE SENATE; and NEW YORK STATE
GOVERNOR ANDREW CUOMO,

Defendants.
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A Memorandum and Order of Honorable Kiyoo A. Matsumoto, United States District
Judge, having been filed on October 26, 2020, dismissing plaintiff's complaint without prejudice
for lack of subject matter jurisdiction, Fed. R. Civ. P. 12(h)(3); certifying pursuant to 28 U.S.C. §
1915 (a)(3) that any appeal would not be taken in good faith; and denying *in forma pauperis*
status for the purpose of an appeal, *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); it is

ORDERED and ADJUDGED that plaintiff's complaint is dismissed without prejudice for
lack of subject matter jurisdiction, Fed. R. Civ. P. 12(h)(3); and that pursuant to 28 U.S.C. §
1915(a)(3) that any appeal would not be taken in good faith; and that *in forma pauperis* status is
denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

Dated: Brooklyn, New York
October 26, 2020

Douglas C. Palmer
Clerk of Court

By: /s/Jalitza Poveda
Deputy Clerk